



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

WENGUI GUO, also known as Miles Kwok,
Plaintiff,

vs.

YUDAN LIN,
Defendant.

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CIVIL ACTION NO. 3:18-02982-MGL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,
GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION TO
REMAND AND REQUEST FOR COSTS AND EXPENSES,
AND DISMISSING AS MOOT THE REMAINING PENDING MOTIONS**

Plaintiff Wengui Guo (Guo) filed this case alleging defamation and related claims in the Lexington County, South Carolina Court of Common Pleas. ECF Nos. 1 at 1, 16-1 at 2. Defendant Yudan Lin (Lin) removed the case to this Court. ECF No. 1. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Guo's motion to remand and request for costs and expenses be granted in part and denied in part, and all other pending motions in this case be terminated as moot. The Magistrate Judge suggested Guo's motion be granted as to the motion to remand and denied as to Guo's request for costs and expenses. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de

novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on January 11, 2019, ECF No. 39, but both Guo and Lin failed to any objections to the Report. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Guo’s motion to remand and request for costs and expenses is **GRANTED IN PART AND DENIED IN PART**. Guo’s motion is **GRANTED** as to remanding the case, and the case is **REMANDED** to the Lexington County, South Carolina Court of Common Pleas. Guo’s motion is **DENIED** as to his request for costs and expenses. Because it will remand this case, the Court **DISMISSES AS MOOT** the remaining motions currently pending before the Court in this case.

IT IS SO ORDERED.

Signed this 30th day of January, 2019, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.